

Attorney's Docket No.: 16491-008002

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 05 2005

Applicant : Rogers et al. Art Unit : 3732  
 Serial No. : 10/737,193 Examiner : Wing F. Chan  
 Filed : December 15, 2003  
 Title : MEDICAL MONITORING SYSTEM HAVING MULTIPLE  
 COMMUNICATIONS CHANNELS

VIA FACSIMILE

**Mail Stop Amendment**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), CARDIONET, INC., a corporation, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of:

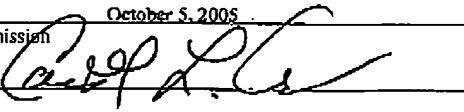
An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 011748, Frame 0692 on April 23, 2001, or a copy thereof is attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 6,665,385, whereby the patent granted on this application and U.S. Patent No. 6,665,385 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,665,385.

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission October 5, 2005  
 Signature 

\_\_\_\_\_  
 Carroll Altman  
 Typed or Printed Name of Person Signing Certificate

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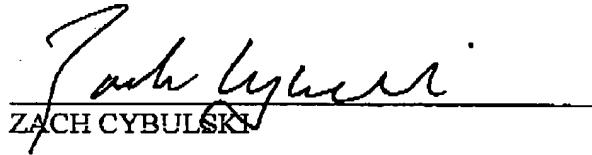
The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,665,385 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,665,385.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Enclosed is a check for \$65 for the required fee pursuant to 37 CFR §1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

CARDIONET, INC.

Date: 9/12/05  
ZACH CYBULSKITitle: Vice President of Operations

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